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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/824,401

04/15/2004

Du-Yeul Kim

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6396

20987 7590 06/01/2009  
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EXAMINER

SAVLA, ARPAN P

ART UNIT

PAPER NUMBER

2185

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/824,401	<b>Applicant(s)</b> KIM, DU-YEUL	
	<b>Examiner</b> Arpan P. Savla	<b>Art Unit</b> 2185	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 18 May 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: 4 and 5.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 1-3, 6, 8-14 and 17.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

/Sanjiv Shah/  
 Supervisory Patent Examiner, Art Unit 2185

Continuation of 3. NOTE: While the proposed amendments appear to overcome the 112 first and second paragraph rejections of claim 13, with respect to prior art considerations, the proposed amendments change the scope of claims 12 and 13. Thus, the proposed amendments raise new issues that would require further search and/or consideration.

Continuation of 11. does NOT place the application in condition for allowance because: With respect to Applicant's argument regarding the 103 rejection of claims 1-3, 6, 8-10, 12, 14, and 17, which appears on pages 7-9 of the communication filed May 18, 2009, the Examiner respectfully disagrees. Firstly, it is noted that the features upon which Applicant relies (i.e., "a special relationship between the pulse widths") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant is attacking Nam because "Nam does not attribute any special relationship between the pulse widths w1 and w2 and indeed, does not state that the pulse widths w1 and w2 should preferably be different from one another" (see After Final, page 8), however, Applicant has not specified in the claim language a special relationship between the pulse widths of first and second pipeline control pulse signals or given a reason why the two pipeline control pulse signal widths should be different from one another. Additionally, it appears Applicant is attacking the references individually, however, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The rejection of the claims in question is not based on individual references, but rather the combination of Toda-465 and Nam. When combining Toda-465 and Nam, as set forth by the Examiner in the Final Office action dated March 17, 2009, Nam's system of producing control signals with variable pulse widths, which is based on the delays of the respective sets of three inverters connected in cascade within the pulse generating circuit, is combined with Toda-465's internal clock generating circuit, such that a pulse width of at least the initial pulse of the CK1 is less than a pulse width of each of the pulses of CK0. Such a combination would yield a pulse width of at least the initial pulse of the second pipeline control signal ("CK1") is less than a pulse width of each of the pulses of the first pipeline control pulse signal ("CK0"). The motivation for doing so would have been to output the valid data within the shortest time by generating pipeline control signals of each stage with a minimum margin for possible changes of a temperature and power supply voltage (Nam, abstract). Accordingly, the combination of Toda-465 and Nam sufficiently discloses the limitations of claims 1-3, 6, 8-10, 12, 14, and 17.